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Report of the Secretary-General concerning the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1364 (2001) of 31 July 2001, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2002 and requested me to report three months from the date of the adoption of the resolution. The present report provides an update on developments in Abkhazia, Georgia, since my report of 19 July 2001 (S/2001/713).

2. My Special Representative for Georgia, Dieter Boden, continues to head UNOMIG. He is assisted in his task by the Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan). The strength of UNOMIG on 20 October stood at 104 military observers (see annex).

II. Political process

3. The shooting down of a United Nations MI-8 helicopter on 8 October in the Gulripsh district of Abkhazia, Georgia, with nine unarmed people on board, including four UNOMIG military observers on their way to resume patrolling in the upper Kodori Valley, marked a new low point in the situation, which had been deteriorating over the past six months.

4. Both sides have contributed to the present deplorable state of affairs. They have neglected essential political work within the mechanisms of the Geneva peace process, particularly the Coordinating Council; disregarded the implementation of agreed protocols; and failed to contain a situation with a clear potential for armed clashes. Since direct political contacts between the two sides have been reduced to a minimum, the efforts since mid-August of my Special Representative and Chief Military Observer have focused on crisis management rather than on the promotion of a political settlement. My Special Representative is currently attempting through high-level political contacts with the Georgian and Abkhaz sides to re-establish dialogue between them and revitalize the existing negotiating mechanisms.

5. Following the request of the Security Council, in its resolution 1364 (2001), to be kept informed of the progress towards a political settlement, including the status of the draft paper on distribution of competences between Tbilisi and Sukhumi, my Special Representative has continued consultations with the Group of Friends of the Secretary-General to reach agreement on the draft text. In early August, the Russian Federation presented new proposals for the draft paper, suggesting, in particular, that security guarantees be included. Subsequently, my Special Representative and the Group of Friends conducted a series of meetings in New York, Moscow and Tbilisi. In an effort to find an acceptable compromise, the suggestion was made to deal with security guarantees on a parallel track, based on the provisions contained in the Yalta Declaration of March 2001 (see S/2001/242), but not to include this matter in the draft paper. Unfortunately, the Group of Friends has not been able so far to reach agreement on a paper that could be presented to the parties as a basis for negotiations on the future status of Abkhazia within the State of Georgia.

6. In a letter dated 1 August and addressed to me, the Abkhaz de facto Prime Minister, Anri Jergenia, repeated the Abkhaz leadership's refusal to participate

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in any negotiations on the basis of the paper, and expressed the view that "state-legal relations" between Abkhazia and Georgia were already broken off when the former USSR still existed.

7. The thirteenth session of the Coordinating Council, scheduled to take place in Tbilisi on 9 October, had to be postponed for the third time by my Special Representative, due to insufficient political will on either side to engage in serious dialogue within the available peace process mechanisms and an increasing tendency to hold the peace process hostage to political demands. The implementation of agreed projects, in particular those based on the Yalta Programme for Action in Confidence-Building and on the recommendations of the Joint Assessment Mission to Gali, has practically come to a standstill. Nevertheless, the parties continued some preparatory work within the framework of the Coordinating Council: on 11 September, the Council's Working Group I (on security matters) met (see para. 15 below); on 20 September, the Ministers of Education of both sides jointly visited the Gali district (see para. 38 below); and on 24 September, a meeting with Georgian and Abkhaz participation took place to follow up on the November 2000 Joint Assessment Mission to the Gali district (see para. 38 below).

8. On 18 October, Abkhaz de facto Prime Minister Jergenia suggested publicly a closer association for Abkhazia with the Russian Federation. However, Russian officials at the highest level reaffirmed their commitment to the territorial integrity of Georgia. The Georgian Parliament, on 11 October, adopted a resolution to replace the peacekeeping force of the Commonwealth of Independent States (CIS) with an international peacekeeping mission, without specifying its modalities.

III. Operations of the United Nations Observer Mission in Georgia

9. During the period under review, the conflict zone remained tense and unstable. UNOMIG continued its patrols throughout the mission area, except the Georgian-controlled upper part of the Kodori Valley. These patrols are conducted from UNOMIG headquarters in Sukhumi and sector headquarters in Gali and Zugdidi. The sectors also carried out helicopter patrols over their areas of responsibility, with special attention to inaccessible areas and the security zone along the ceasefire line. One joint helicopter patrol and one joint ground patrol, composed of UNOMIG, the CIS peacekeeping force, and Georgian and Abkhaz authorities, were also conducted. For security reasons, patrolling was at times suspended in parts of the area of responsibility. The account of the fighting in and around the lower Kodori Valley (see paras. 13-25 below) is, therefore, based on reports from the two sides and the CIS peacekeeping force, which have not been independently verified by UNOMIG.

10. UNOMIG liaised with governmental and non-governmental structures in Tbilisi, Sukhumi, Zugdidi and Gali to coordinate its operational and administrative activities. Within the area of responsibility, UNOMIG coordinated with the CIS peacekeeping force and urged local law enforcement agencies to take additional precautionary measures to prevent an increase in criminal activities during the hazelnut harvest season. In response, the CIS peacekeeping force increased its patrols in the Gali district. The completion of repair work on a number of bridges and roads throughout the UNOMIG area of operation during the period under review significantly improved UNOMIG operational capability.

11. On 14 August, following tensions caused by abductions and counter-abductions in the months of July and August, both sides held an extraordinary meeting at the ministerial level, under the chairmanship of my Special Representative, on the ceasefire line. The parties agreed to locate, take into protective custody and return the abducted persons, and to combat illegal activities in the security zone. Two days later, the first hostages were released.

12. During the reporting period, the Georgian and Abkhaz sides increased their cooperation within the Joint Fact-Finding Group, and the participation of all parties in the Group's investigations markedly improved. The Group conducted eight investigations, including four new ones, and held 10 meetings. It also carried out two joint helicopter patrols and a joint ground patrol to verify the presence of irregular armed groups on the Georgian-controlled side of the ceasefire line.

13. The first serious threats to stability in the conflict zone developed on 18 and 19 August, when clashes between armed irregulars and Abkhaz security forces near the upper Kodori Valley, but outside of

UNOMIG's area of responsibility, resulted in the death of four irregulars. According to local authorities in Tbilisi, the Abkhaz forces used two helicopters and a jet aircraft in the fighting. This led to Georgian accusations of Russian involvement since, according to Tbilisi, the Abkhaz military does not have the particular type of aircraft used.

14. On 22 August, the Abkhaz de facto Prime Minister claimed that armed irregular groups totalling 700 men, had gathered close to the ceasefire line in the northern part of UNOMIG's area of responsibility, preparing to invade. It had become clear at that point that the groups were on Georgian-controlled territory and had assembled without interference by the authorities. The Abkhaz authorities ordered a partial mobilization of the army and reservists. In order to de-escalate the situation, UNOMIG's Chief Military Observer conducted a series of meetings with top-level officials in Tbilisi and Sukhumi and received assurances that the Georgian side would prevent armed groups from crossing the ceasefire line. He also facilitated a meeting between the Abkhaz de facto Prime Minister and the Georgian Minister for Special Assignments in Sukhumi on 24 August, at which it was agreed not to allow any military operations on either side. Direct telephone contact between the Abkhaz de facto Prime Minister and the President of Georgia followed, which defused the tension and the situation began to de-escalate. Subsequently, the armed irregulars appeared to withdraw from the area and the Abkhaz authorities called off the partial mobilization. The Abkhaz side also expressed its readiness to return to the Coordinating Council, which it had refused to attend following the killings and kidnappings of 8 and 9 July (see S/2001/713, para. 4).

15. In the context of these developments, the eighth session of Working Group 1 of the Coordinating Council, dealing with security matters, convened on 11 September in Tbilisi. The parties reaffirmed their commitment to the 1994 Moscow Agreement and recommended the following: UNOMIG and the CIS peacekeeping force should resume regular patrols in the Kodori Valley, in accordance with the 1994 Moscow Agreement; UNOMIG medical personnel should be granted immediate access to independently examine bodies when there is a suspicion of a summary execution during detention; the Georgian side should report on progress in criminal proceedings against the persons handed over to them by the Abkhaz authorities on 11 May 2001 (see S/2001/713, para. 3); both sides should undertake measures to locate people who are still missing according to the protocol of 14 August (see para. 11 above); and both sides would exchange information, in writing, about cases to be investigated by the Joint Fact-Finding Group during the weekly quadripartite meetings.

16. The situation began to worsen again in the second week of September as Georgian armed irregulars, together with fighters from the North Caucasus, predominantly of Chechen origin, moved closer to the upper Kodori Valley. On 20 September, the Abkhaz side informed UNOMIG that, despite assurances to the contrary by the Georgian authorities, there were up to 450 fighters present in or near the Georgian-controlled upper part of the valley. At the same time, the Georgian authorities informed UNOMIG of the movement of three Abkhaz armoured vehicles to the Abkhaz-controlled lower part of the Kodori Valley. A special UNOMIG helicopter patrol confirmed the presence of a field howitzer and two armoured personnel carriers at the Abkhaz checkpoint. On 28 September, in a private meeting in Tbilisi facilitated by UNOMIG, Georgian President Shevardnadze and Abkhaz de facto Prime Minister Jergenia agreed to take steps to avert new fighting in and around the Kodori Valley. The Georgian side reportedly pledged to undertake measures to disperse the armed irregulars and the Abkhaz side committed itself to exercise restraint in dealing with these groups, unless they engaged in criminal or unlawful activities. Mr. Jergenia, while in Tbilisi, also appealed to the Group of Friends to help prevent new hostilities and provide security guarantees as requested in the Yalta Declaration of March 2001 (see S/2001/401).

17. In order for UNOMIG to be able to carry out its mandate fully, my Special Representative repeatedly urged Georgian officials to provide the necessary security guarantees for the resumption of UNOMIG patrolling in the Georgian-controlled upper Kodori Valley.

18. Despite the undertakings of 28 September, new signs of a major crisis became evident on 3 and 4 October, when a sizeable group of armed irregulars attacked an Abkhaz checkpoint in the village of Georgievskoe in the Abkhaz-controlled lower Kodori Valley. In a counter attack on the next day, the Abkhaz forces repulsed the irregulars and claimed to have driven them into the mountains to the north. One

Abkhaz soldier and four civilians were killed, with five more people reported missing. These armed irregulars reportedly belonged to the same group that was present in the upper Kodori Valley in September (see para. 16 above). Immediately, my Special Representative and the Chief Military Observer held a series of meetings with senior government officials in Tbilisi aimed at halting the new escalation of violence.

19. On 6 October, unknown armed irregulars attacked the Abkhaz security post in Tagiloni, near the ceasefire line, using automatic fire and rocket-propelled grenades. After the attack the assailants fled to the Georgian-controlled side of the ceasefire line. No casualties were reported.

20. On the basis of security assurances provided by Georgia on 6 October and following clearance of the flight by the Abkhaz authorities as well as their assurances that the irregulars had been driven northwards, a UNOMIG helicopter patrol to the Kodori Valley was launched on 8 October. Shortly after it took off, the helicopter was shot down close to the entrance of the valley, 20 kilometres east of Sukhumi, killing all nine unarmed people on board, including four United Nations military observers, two locally employed United Nations staff members and all three members of the contracted helicopter crew. This is the most serious security incident in the history of UNOMIG. On the same day, a UNOMIG search and rescue patrol, with an armed escort of the CIS peacekeeping force, recovered five bodies. However, because of continued fighting near the crash site, the four remaining bodies could only be recovered two days later by the Abkhaz military. A team from United Nations Headquarters was sent immediately to Sukhumi to assist in the technical investigation of the crash and to provide administrative support to UNOMIG. A technical investigation committee has been set up under the chairmanship of Ukraine (the country of registration of the helicopter), with the participation of the United Nations and in cooperation with Georgian and Abkhaz authorities. The Council was briefed twice about the incident.

21. Following the shooting down of the United Nations helicopter, my Special Representative immediately travelled to Sukhumi Headquarters to oversee the rescue efforts and to meet with the Abkhaz leadership. On 9 October, he urged Mr. Jergenia to exercise restraint and not allow the fighting to spread into the upper Kodori Valley, which the Abkhaz had earlier threatened. The Abkhaz de facto Prime Minister agreed to meet with President Shevardnadze on the condition that the only issue to be addressed would be the de-escalation of the situation on the ground and the end of the ongoing fighting.

22. However, fighting continued between Abkhaz forces and armed irregulars in the lower Kodori Valley and, at times, near the main road along the coast and close to Sukhumi. Twelve local residents were killed in the village of Naa (lower Kodori), close to the site where the UNOMIG helicopter went down, which was temporarily occupied by a group of armed irregulars. On 9 October, two unidentified fighter aircraft carried out attacks on the villages of Georgievskoe and Chiena in the Abkhaz-controlled lower Kodori Valley and, later, two other aircraft bombed the village of Omarishara in the Georgian-controlled upper Kodori Valley. On 11 October, the Abkhaz side used artillery and airpower during a sweep operation to drive the armed irregulars out of the lower valley. On 17 October, the Abkhaz side was once again reported to have used helicopters and planes, this time more extensively, against retreating irregulars about 10 kilometres short of the border with the Russian Federation. The Georgian side again voiced suspicion about Russian involvement (see para. 13 above).

23. My Special Representative met with President Shevardnadze on 11 October and urged him to meet with the Abkhaz de facto Prime Minister to avoid larger-scale hostilities. At the time of writing of the present report, no reply to this suggestion had been received. My Special Representative also urged the Georgian side not to send reinforcements or supplies into the area of fighting. Since 9 October, due to the precarious security conditions on the ground, UNOMIG's Sukhumi headquarters and Gali sector have been placed on a state of alert. Operational patrolling from these sectors was suspended and only resumed on 18 October 2001, after the fighting died down. However, patrolling activity in the Zugdidi sector has continued without change.

24. Starting 11 October, the fighting in the lower Kodori Valley decreased in intensity. By 18 October, it had largely ended. Estimates of casualties, in addition to the civilians and United Nations staff, indicate that about 60 armed elements and about 16 Abkhaz troops were killed; some 10 irregulars were taken prisoner by Abkhaz forces.

25. Since early October, there have also been sporadic individual shooting incidents in the Gali region, in addition to the incident in Tagiloni (see para. 19 above). My Special Representative, as well as the Chief Military Observer, have remained in constant contact with the Abkhaz and Georgian authorities in order to reduce tensions and ensure respect for the ceasefire.

IV. Security situation

26. Levels of crime and lawlessness remained high in the zone of conflict, creating an overall sense of insecurity and uncertainty among the local population. Local law enforcement agencies were unable to control crime in the conflict zone. Numerous incidents were reported in both the Gali and Zugdidi sectors. However, the rate was higher on the Abkhaz-controlled side of the ceasefire line, especially in lower Gali. In some areas on the Abkhaz-controlled side of the ceasefire line, joint patrolling by Abkhaz militia, local residents and the CIS peacekeeping force helped to reduce the level of lawlessness. Similarly, on the Georgian side of the ceasefire line, joint patrolling by Georgian police, local residents and the CIS peacekeeping force led to a reduction in criminal incidents. UNOMIG security officers conducted regular patrols to reduce the risk of security incidents and closely liaised with the Zugdidi police and Gali militia.

27. In the Gali sector, four residences of local United Nations employees were robbed and four more robbery attempts took place. UNOMIG patrols in the Gali sector received threats from the Abkhaz military and militia posts. Abkhaz authorities in Sukhumi took measures to stop such threats.

28. In the Zugdidi sector, the houses of three UNOMIG local employees were robbed. Four protest demonstrations by internally displaced persons and locals who established roadblocks impeded UNOMIG movement and patrolling activities. The Georgian local authorities, however, took swift action to disband the demonstrations and remove the obstacles on the road.

29. The arrival of seven new mine-protected vehicles is expected to significantly improve the security of the military observers while on patrol.

V. Cooperation with the collective peacekeeping force of the Commonwealth of Independent States

30. During the reporting period, UNOMIG and the CIS peacekeeping force continued their close cooperation. CIS peacekeeping units escorted UNOMIG patrol teams, participated in joint investigations and patrolling, and cooperated in efforts to defuse tense situations. The CIS peacekeeping force actively collaborated during the weekly quadripartite meetings and the eighth session of Working Group I of the Coordinating Council. However, cooperation could be strengthened further, particularly as regards the exchange of information.

31. The possible consequences for UNOMIG of the 11 October resolution of the Georgian Parliament (see para. 8 above) will have to be carefully assessed.

VI. Humanitarian situation and human rights

32. During the reporting period, international humanitarian agencies and non-governmental organizations (NGOs) continued programmes to meet the acute needs of the most vulnerable in Abkhazia, Georgia. However, due to the fighting in the Kodori Valley area and the volatile situation in Gali, many NGOs suspended their activities after 8 October.

33. The Office of the United Nations High Commissioner for Refugees (UNHCR) expanded its school rehabilitation programme to 22 schools in the Gali district, 12 in upper Gali and 10 in lower Gali, as well as three schools in Ochamchira district on a "self-help" basis. UNHCR provided material and village communities contributed their labour. However, UNHCR still could not operate in more remote and dangerous areas, such as Primorsk, where humanitarian needs were particularly urgent and only UNOMIG patrols had access. My Special Representative is preparing a proposal for limited relief projects in such areas, where the need is great but humanitarian agencies cannot operate, to be implemented with funds provided to UNOMIG.

34. United Nations Volunteers resumed programmes to develop the capacity of local NGOs.

35. The International Committee of the Red Cross continued to distribute food to vulnerable parts of the population and worked on rehabilitating the water and sanitation systems in Sukhumi and Ochamchira. Médecins sans frontières expanded its tuberculosis treatment and health access programme with mobile teams. The British HALO Trust's mine clearance and mine awareness operations continued from three operational bases in Sukhumi, Ochamchira and Gali.

36. International non-governmental organizations continued to be hampered by restrictions on border crossings between Abkhazia, Georgia, and the Russian Federation at the Psou River. This complicated the provision of assistance and the planning of emergency evacuations (see S/2001/713, para. 26).

37. There was little evidence of an improvement in the field of human rights in Abkhazia, Georgia. Widespread organized crime, lack of effective law enforcement and continuing stalemate regarding the language policy in schools in the predominantly Georgian-speaking Gali district affected the return of displaced persons and remained of major concern to the United Nations Human Rights Office. Reports of human rights violations included harassment on ethnic and religious grounds, violations of fair trial standards, and arbitrary and illegal detentions. Law enforcement agencies failed to conduct prompt, impartial and full investigation and prosecution. During the review period, the human rights office handled individual complaints, and monitored court sessions and detention facilities in police stations because of increasing concerns about inhumane treatment or health conditions of detainees.

38. As a follow-up to the Joint Assessment Mission to the Gali district, conducted in November 2000, on 24 September the Georgian and Abkhaz representatives and participants of the Mission explored ways for the practical implementation of recommendations set forth in the Joint Assessment Mission Report (see S/2001/59, annex II) and agreed to a number of recommendations for the Coordinating Council. The meeting gave specific attention to progress in the return of displaced persons to the Gali district, human rights, public security and language of instruction. The issue of the language of instruction in the Gali district was also taken up during a visit to the Gali region on 20 September by the Georgian and Abkhaz Ministers of Education, who agreed to continue their efforts to find a mutually acceptable solution.

VII. Observations

39. The fighting in the Kodori Valley and surrounding areas of Abkhazia, Georgia, as well as the shooting down of a UNOMIG helicopter on 8 October, represent a serious deterioration of the situation and a setback in efforts to achieve a political settlement. Both sides must unequivocally respect the ceasefire, renew their commitment to seek a resolution of the conflict by political means, stop encouraging any military action and return to the peace process without reservation or procrastination.

40. The shooting down of a helicopter with unarmed UNOMIG personnel on board is an outrage. It raises serious questions about the failure of the Georgian and Abkhaz sides to ensure the security of United Nations personnel. I remind both sides of their obligation to provide for the safety and security of United Nations personnel — the cornerstone of any United Nations involvement — and to move it to the top of their list of priorities. The perpetrators of criminal acts targeted against UNOMIG must be brought to justice.

41. The latest events are a painful demonstration of the fact that, in the absence of meaningful negotiations on the future political status of Abkhazia within the State of Georgia, the entire peace process can be jeopardized. I appeal again to the Group of Friends to expedite, in close cooperation with my Special Representative, the process of finalizing the draft paper on the distribution of competences between Tbilisi and Sukhumi and to bring it to a successful conclusion. Moreover, in light of recent events, I urge the Abkhaz side to review its position and, following the finalization of the text, to join efforts to proceed with negotiations on the basis of the draft paper.

42. During the reporting period, the parties have neglected active work within the Geneva peace process mechanisms. The cancellation, on three occasions, of the Coordinating Council over the last six months — twice at the request of the Abkhaz side — threatens to defeat the purpose of this negotiating forum. Both sides should be aware that these mechanisms are established to serve their own security, especially in times of crisis. They should, therefore, return immediately to full-fledged participation in the Coordinating Council and all its working groups.

43. Regrettably, there has again been no progress on the issue of facilitating the safe, secure and dignified

return of the refugees and internally displaced persons to their places of previous permanent residence. Meanwhile, the spontaneous resettlement of internally displaced persons to the Gali district has continued under precarious conditions. I call upon both sides to resume serious work on this matter on the basis of existing agreements, including the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, signed on 4 April 1994. In addition, the implementation of the recommendations set forth in the report of the Joint Assessment Mission to the Gali district of November 2000 (see S/2001/59, annex II) is more pressing than ever. Both sides should immediately take up these matters in a cooperative spirit.

44. Notwithstanding the promising confidence-building measures included in the Yalta Programme of Action of March 2001 and its annex, concrete work on these measures has come to a standstill. Instead there has been renewed fighting. I invite the parties to recognize the critical need for action in this area, to resume efforts aimed at implementing the Yalta Programme in all its aspects, and to stop linking confidence-building measures to security issues.

45. Given the current tense situation, both sides should be reminded that they must comply with all provisions of the Moscow Agreement, the protocols agreed within the Coordinating Council framework and the commitments made during the weekly quadripartite meetings. Their failure to implement these arrangements has contributed to the current crisis. The Georgian side, in particular, should be reminded to curb the activities of irregular armed groups operating in and from the areas under its control. It is these activities which have led to the serious destabilization of the situation in the conflict area.

46. At a time when we still mourn the death of nine of our colleagues in UNOMIG, I wish to express my appreciation and admiration to the women and men of the Mission for the steadfastness and courage they continue to display in carrying out their mandated tasks and in pursuing the cause of peace in Abkhazia, Georgia, despite very difficult and dangerous circumstances.

Annex

United Nations Observer Mission in Georgia: contributions as at 20 October 2001

Country	*Military observer*
Albania	1
Austria	2
Bangladesh	7
Czech Republic	5
Denmark	5
Egypt	3
France	3
Germany	10
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	7[a]
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	5
Switzerland	3
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
Uruguay	3
United States of America	2
Total	**104**

[a] Including the Chief Military Observer.